

SDBCE INFORMATIONAL HOTLINE!!!

South Dakota Board Chiropractic Examiners

WHO IS WATCHING WHO???

By Donn Fahrendorf, DC

Often the Board of Chiropractic Examiners is accused of being the Gestapo of our profession always on the look out to get after somebody. How anyone could accuse such a bunch of nice lovable guys of this is unfathomable. The truth of the matter is your Examiner Board initiates none of those uncomfortable situations. Our responsibility begins when we receive a complaint and/or inquiry such as peer review. So far in 2005 we have received 38 such complaints/inquiries. Twenty-two are from insurance companies, 8 from patients, and a surprise to many of us, 8 from your peers. That is already 3 more peer complaints than all of 2004.

The insurance company reviews are basically asking your peers if the Doctor filing a claim shows justification for the diagnoses, treatment frequency and charges. Twenty nine percent of the reviews are favorable to the doctors. Lack of quality documentation is a good part of those partially denied.

Patient complaints we take very seriously and give immediate attention. These are for a variety of reasons primarily in the area of overutilization or excessive and often hidden charges. A patient complaint is sent to the treating doctor and he or she is asked to respond and that response will then be forwarded to the patient. If there is any suggestion of ethics violations it will then be forwarded to the Ethics Committee for further evaluation and recommendations. This can often be a very time consuming process. Extra effort is given so that both sides are heard and both are treated fairly.

The third category, which has increased yearly, is primarily complaints dealing with violation of our Rules and Regulations re-



Your peers are
watching!!!

(Continued on page 2)

CONTINUING EDUCATION

By Mark Bledsoe, DC

It's hard to believe that it is the second year of our two year educational requirement period. Forty hours of continuing education need to be completed by December 31, 2005. Two of these forty hours need to be on sexual boundaries. This class had been offered at the Fall 2004 conference and again at the Spring 2005 conference through the South Dakota Chiropractic Association. However, due to scheduling conflicts, it **will not** be available at the Fall 2005 conference.

There has been a two-hour online sexual boundaries class compiled by DC online which will fulfill the hours requirement. They are also offering the course via a CD rom. *Please see details on the enclosure in this newsletter. Also, please review your hours completion information that is being provided.* If you have any discrepancy with what we have on file, please contact Marcia Walter as soon as possible. If you have hours that need to be completed, do not procrastinate!!!

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Inside this issue:

Who's Watching Who cont.	2
Computerized Note Keeping	2
Missed Appts	2
Assn Dues vs Licensing Dues	2
FCLB & NBCE	3
Actions/Sanctions	3
Peer Review Doctors Needed	3
X-ray Tech Hours	3
Laymember Appointment	4

Special points of interest:

- See enclosure for update on continuing education hours
- Review rules/regs for actions which may warrant sanctions
- Assn dues and licensing dues need to be paid by Dec. 31, 2005

(Continued from page 1)

garding advertising and the reckless use of the word FREE (re: South Dakota Rules and Regulations 20:41:09:07.01).

Your peers are very aware when a fellow Chiropractor disregards certain standards that apply to all of us. The number of Chiropractors in South Dakota continues to grow and members of your Chiropractic Examining Board are responsible for insisting that all rules and regulations are followed by all doctors thereby providing an equal



ARSD 20:41:09:07.01 Doctors of Chiropractic may not take part in advertising that is false, fraudulent, deceptive or misleading.....

playing field for every South Dakota Chiropractor. We emphasize regularly you can save yourself time, grief and often money by asking the Board to review your promotional material prior to printing. We are willing to take the time to do this, which in return will save both you and the board time and money which is a precious commodity to all of us.

Generally, South Dakota Chiropractors can be proud of their track record when it comes to ethics violations. We must thank our past leaders for setting those standards and we of the South Dakota Board of Chiropractic Examiners try very hard to maintain those standards, not only for the integrity of our profession, but primarily for the trust of the patient.

COMPUTERIZED NOTE KEEPING

by Mark Steiner, DC

Use of computerized note keeping systems with canned phrases are not recommended for use in your office. Medicare has issued warnings that notes from these systems will probably lead to denial of claims. For the most part, I do not see the problem with using computer programs for note keeping. The problem is when the doctor does not use the editing features of the program, which allows for additional comments that reflect the changes in a person's status from one treatment session to the next. Instead doctors are using the canned phrases especially in the subjective portions of the notes, that make the notes look phony. The board is not taking the stance that a computer system of note keeping can't be used. It is saying that your use of these devices must produce notes that are done properly.

MISSED APPOINTMENTS

by Mark Steiner, DC

Missed appointments are addressed in the ChiroCode Desk-Book used by the majority of DC's and accepted as a reference by the board. It states that there is no code for billing a missed appointment and that it is not proper to bill an insurance carrier for a missed appointment. The board feels this is not a good business practice, however, if this is your office policy the patient should be fully aware of this policy and you need to have in your records a copy of a form signed by the patient in which the patient agrees to pay you for a missed appointment. This would still not allow you to bill an insurance company for a missed appointment.

ASSOCIATION MEMBERSHIP DUES VS. LICENSING

Governor Rounds introduced omnibus legislation during the past legislative session. One of the areas addressed in the omnibus legislation consisted of removing requirements that association membership be the requirement of licensure by certain boards. The passage of this omnibus legislation allows more uniformity with board appointments and operations, and also demand more public accountability with the board's mission to protect the public. As everyone is aware, this legislation was passed, therefore, repealing the mandatory membership which signifies a change

in the relationship that our examining board and our state association have had since 1929. We are confident this new transition will be a smooth and beneficial one. However, please be aware that this bill does not go into effect until 2006. Therefore, association dues and licensing dues will still need to be paid by December 30, 2005. According to current state law, which will still be in force in December 2005, a DC who does not pay their association dues by December 30, 2005 cannot be licensed to practice chiropractic in South Dakota in 2006.

FCLB AND NBCE by Robin Lecy, DC

There are two organizations intimately connected with the state board of chiropractic examiners. Understanding the functions of these two organizations, may help you understand how our state board is striving to provide the best in regulatory abilities.

The Federation of Chiropractic Licensing Boards (FCLB) was first incorporated in Wyoming in 1957. It is interesting to note that one of the original 5 executive directors of the FCLB was H.W. Ortman of Canistota, South Dakota. The purposes for the FCLB listed in the Certificate of Incorporation are: A. To promote unified standards in operations of all chiropractic licensing boards. B. To aid in problems confronting individual chiropractic licensing boards. C. To promote and aid in cooperation between chiropractic licensing boards. D. To disseminate information of mutual interest to the various chiropractic licensing boards. and E. To encourage uniformity of educational standards in the colleges teaching chiropractic. The corporation is not organized for profit, and relies on the National Board of Chiropractic Examiners (NBCE) for approximately half of its total financial support. Revenues from the CIN-BAD database program, annual dues payments by member boards,

conference revenues and sponsorships, and other minor sources provide the other half.

The National Board of Chiropractic Examiners was first incorporated in 1963. The purpose of the NBCE is to prepare and administer to qualified applicants examinations of superior quality whereby those legal agencies, which govern the practice of chiropractic within each state and other countries, may accept, at their discretion, those individuals who have successfully completed any part of the examinations of the NBCE. The NBCE shall provide test and measurement services to the chiropractic profession in all areas of demonstrated need. The NBCE provided it's first tests in 1965. It now prepares and administers 4 national exams as well as other special tests requested by individual state boards such as Acupuncture, Special Purposes Examination for Chiropractic (SPEC), and Ethics and Boundaries Examinations. The NBCE has the resources and abilities to develop, and administer the legally defensible exams that the state boards accept. The individual state boards are responsible to help administer some of the national exams and they also play an important part in developing the content of the national exams.

ACTION WHICH MAY WARRANT SANCTIONS

Per ARSD 20:41:10:05.02 (4) Failure to cooperate with and respond in writing within 15 days after personal receipt of any board or board authorized committee inquiry or investigation may warrant a sanction. This includes requests for peer review.

When a DC receives a request for records from the Peer Review Committee, the DC must comply with that request for records in the time period stated in the request or their

license may be put in jeopardy. This is clearly stated in the rules and regulations for the State of South Dakota.

Please refresh your memory on the laws, rules and policies governing chiropractic in the state of South Dakota. Click on the links via the board's website at www.state.sd.us/doh/chiropractic

PEER REVIEW DOCTORS NEEDED

If you have a desire to serve on the peer review committee, please contact Marcia Walter. Per ARSD 20:41:14:04, to hold a position on the peer review committee a member shall: (1) hold an active license to practice chiropractic in the state of South Dakota which license is in good standing with the board and have held an active license to practice chiropractic in the state of South Dakota for a period of five years; or (2) has previously served as a member of the board. We are especially in need of West River doctors.

X-RAY TECH HOURS

The SDCA will present a six-hour X-ray tech recertification course on October 1, 2005. All x-ray techs need to be certified, and the three year certification period is up on December 31, 2006. This will be the only recertification course offered by SDCA. If hours are needed, you are encouraged to make plans to participate in this course. There may not be another opportunity!!! Please contact Deb Mortenson for more information.

South Dakota Board
Chiropractic Examiners

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We're on the web
[www.state.sd.us/doh/
chiropractic](http://www.state.sd.us/doh/chiropractic)

See information inside regarding continuing
education hours!!!

MISSION STATEMENT

Mission Statement: The mission of the South Dakota Board of Chiropractic Examiners is threefold: to protect the continuing health, welfare, and safety of consumers of chiropractic services by ensuring that qualified chiropractors are licensed and their practice is regulated by enforcement of updated statutes, rules, regulations, and board policies, including continuing education and consumer complaint processing.

UPCOMING MEETINGS

September 23-24, 2005—Pierre, SD

December 2-3, 2005—Canistota, SD

NEW LAYMEMBER APPOINTMENT

Please join us in welcoming our new laymember, David Kenyon of Pierre, SD. Mr. Kenyon is a retired insurance salesman with a long and successful career with New York Life. He and his family are all patients who use chiropractic care. He has headed up numerous organizations and will be a helpful contributing member of the board to fulfill our goal for consumer protection. Mr. Kenyon is married and has three grown children. **Welcome David!!**

FYI.....all members of the board are